

OLC: 75-3219/a

21 DEC 1975

MEMORANDUM FOR: Review Staff

SUBJECT : Disposition of HSC and SSC Records


REFERENCE : Review Staff Memo 75/3641, dated 11 December 1975
and un-numbered Memo, dated 19 December 1975,
both with the same Subject

1. It is recommended that the language of proposed Sec. 3(a) and (b) be reworded as follows:

Sec. 3(a). Use of the records containing information originated by the Senate Select Committee shall be limited to:

- (1) the duly designated legislative oversight committees.
- (2) appropriate staff members of the duly designated legislative oversight committee, duly authorized by the Chairman of such committees.

Sec. 3(b). Records furnished or information provided to the Senate Select Committee will be available for use by persons, agencies, departments or organizations, or by congressional committees or bodies other than the duly designated legislative oversight committees, only with the prior concurrence of the originating department, agency, organization, or its successor.


Acting Legislative Counsel

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Distribution:

Original - Addressee

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19 December 1975

MEMORANDUM FOR THE RECORD


SUBJECT: Disposition of HSC and SSC Records

1. The attached draft is the result of two meetings with personnel from the National Archives and Records Service (NARS). It reflects the use of language meaningful to them, yet incorporating principles we judge necessary in secure storage and control of the materials.

2. Paragraph 2 of the draft employs the phrase "separate and discrete" for separate storage, which is employed by them for specially segregated materials and certainly serves to emphasize our requirement for provisions to avoid mingling these records with others. We understand that this includes a separate enclosure; the provision that storage shall meet "Executive Branch standards" reinforces this.

3. Paragraph 3(a) provides for control of access for members of the duly designate legislative and oversight committees and their staff. Paragraph 3(b) seeks to impose the Third-Agency Rule on access to the records, and also restricts access by other Congressional authorities than the designated oversight committees.

4. It would be appreciated if the recipients of this will give it a quick review for substance and form and provide me their comments by close of business Monday, 22 December. We hope to present this to members of an Executive Branch Committee by Wednesday, 24 December.


S. D. Breckinridge
Chief, Review Staff

cc: DDA
D/Security
OGC
✓ OLC

DRAFT

December 18, 1975

Resolved, that all records, including books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, established under Senate Resolution 21 of the 94th Congress, shall be transferred upon the termination of the Select Committee's mandate to the National Archives and Records Service, there to be held in secure storage as described below in section 2, with their use being limited to those persons or organizations authorized in the manner described below in section ~~2~~ 3.

Section 2. All records transferred to the National Archives and Records Service for secure storage by the Senate Select Committee shall be stored in a secure area or areas separate and discrete from all other areas in which records are stored by the National Archives and Records Service. This secure storage shall meet the security specifications designated in Executive Branch standards for storage of records of similar classification levels. National Archives and Records Service personnel with access to the records will be appropriately cleared and briefed for records requiring special clearance.

Section 3. Use of the records transferred by the Senate Select Committee to the National Archives and Records Service shall be limited to those persons or organizations authorized in the specific manner described below.

Sec. 3(a). Use of the records containing information originated by the Senate Select Committee shall be limited ~~to the CIA the legislative oversight committee~~ to (1) the duly designated legislative and appropriations oversight committee or committees (2) appropriate staff members of the ~~CIA legislative oversight committee~~ legislative and appropriations oversight committee or committees, duly authorized by the Chairman of ^{these} such committees.

Sec. 3(b). Records furnished or information provided to the Senate Select Committee will be available for use by persons, agencies, departments or organization, or by congressional committees or bodies other than the duly ~~designated~~ designated legislative appropriations oversight committee & or committees, only with the prior concurrence of the originating department, agency, organization, or its successor.

Sec. 4. Eventual downgrading or declassification of classified records transferred by the Senate Select Committee to the National Archives and Records Service shall be carried out in accordance with applicable statutes and Executive Orders.

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§ 2113. Limitation on liability

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the United States or its agents are not liable for infringe-
ment of literary property rights or analogous rights arising
out of use of the materials for display, inspection, research,
reproduction, or other purposes.

→ § 2114. Records of Congress

44 U.S.C.

The Secretary of the Senate and the Clerk of the House of
Representatives, acting jointly, shall obtain at the close of
each Congress all the noneurrent records of the Congress
and of each congressional committee and transfer them to
the General Services Administration for preservation, sub-
ject to the orders of the Senate or the House of Representa-
tives, respectively.

Approved October 22, 1968.

82 Stat. 1287